

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:

KENNETH R. MARSHALL
THOMAS R. STEWART

Case No.: 3:14-bk-04436-PMG

Debtor(s)

**ORDER GRANTING MOTION TO DETERMINE SECURED STATUS AND TO STRIP LIEN
EFFECTIVE UPON DISCHARGE OF CLAIM OF BANK OF AMERICA, N.A.
(SECOND MORTGAGE ON THE PROPERTY LOCATED AT 112 CORONADO STREET,
SAINT AUGUSTINE, FLORIDA**

THIS CASE is before the Court on the Debtors' Motion to Determine Secured Status of Bank of America, N.A. and to Strip Lien (the "Motion", Docket No. 7) which was served upon all interested parties on September 19, 2014 with Local Rule 2002-4 negative notice legend informing the parties of their opportunity to object within 30 days of the date of service. No party filed an objection within the time permitted. The Court therefore considers the matter to be unopposed. It is

ORDERED:

1. The Motion is **GRANTED**.
2. Claim of Bank of America, N.A. shall be treated as an unsecured claim in the Chapter 7 Case.
3. The real property (the "Real Property") that is subject of the Motion is located at 112 Coronado Street, St. Augustine, Florida 32080, and more particularly described as follows:

Lot Twenty-Five (25), Twenty-Six (26), and Twenty-Seven (27), Block Twenty (20), Davis Shores Subdivision, Ocean View Section, as Recorded in the Public Records of St. Johns County, Florida, In Map Book 3, Page 98.
4. The second mortgage held by Bank of America, N.A., as recorded on February 6, 2006 in (# 2006014755) O.R. Book 2650, Page 1797 of the Public Records in St. Johns County, Florida,

shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 7 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Bank of America, N.A. lien prior to the entry of the Debtor's discharge.

DONE and ORDERED in Jacksonville, Florida, this 5th day of May, 2015



PAUL M. GLENN
United States Bankruptcy Judge

Bryan K. Mickler, Attorney for Debtors, is directed to serve a copy of this Order on interested parties and file a proof of service within three (3) days of entry of the Order.

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54, NO. 8208